

E-Filed 12/3/08

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

OPTIONS NATIONAL FERTILITY REGISTRY,
a California Corporation; and JESSICA and a class
of similarly situated persons,

Plaintiffs,

v.

AMERICAN SOCIETY FOR REPRODUCTIVE
MEDICINE; SOCIETY FOR ASSISTED
REPRODUCTIVE TECHNOLOGY; DOES 1-102
(REGISTERED INFERTILITY PHYSICIANS)
and DOES 103-1500 (FERTILITY CLINICS AND
ASSOCIATED PROFESSIONAL
DEFENDANTS),

Defendants.

Case Number C 07-5238 JF (HRL)

ORDER¹ RE CORRESPONDENCE
FROM TERI ROYAL DATED
DECEMBER 1, 2008

On November 13, 2008, an individual named Teri Royal, purporting to act for Plaintiff Options National Fertility Registry ("Options"), submitted to chambers via facsimile a motion requesting referral to the Federal Pro Bono Project and seeking assistance in terminating

¹ This disposition is not designated for publication in the official reports.

Options' counsel of record. The Court addressed that motion in an order filed November 26, 2008 ("November 26 Order"). On December 1, 2008, Ms. Royal submitted to chambers via facsimile an additional document entitled "Letter Correcting Deceptive Information, And Requesting Reconsideration Of Federal Jurisdiction And Referral To The Federal Pro-Bono Project." The Clerk of the Court is directed to file this document as of the date it was submitted, December 1, 2008.

As noted in its November 26 Order, Ms. Royal is not a party in this action and, because she is not an attorney, may not appear in this action on behalf of Options, a corporation. The Court addressed Ms. Royal's last submission, and will address her current submission, as a courtesy based upon her representations regarding Options' abandonment by its counsel of record.² However, the Court will not accept or act upon any future communications from Ms. Royal. Options must contact the Court, file documents, or otherwise litigate this action through counsel.

With respect to the substance of Ms. Royal's December 1 submission, Ms. Royal asserts that the Court erred in concluding that diversity jurisdiction does not lie in this case. Ms. Royal asserts that neither of the named Defendants, American Society for Reproductive Medicine ("ASRM") and Society for Assisted Reproductive Technology ("SART"), are citizens of California. However, as the Court concluded in its order issued October 20, 2008, it is clear from declarations filed by Defendants and from matters suitable for judicial notice that diversity jurisdiction does not lie. For example, the Court takes judicial notice that the official government records website of the State of Alabama indicates that while ASRM's principal address is located in Birmingham, Alabama, ASRM was incorporated in California. See <http://arc-sos.state.al.us/cgi/corpdetail.mbr/detail?corp=923321&page=name&file=>. Accordingly, the Court declines to reconsider its prior ruling that there does not appear to be federal subject matter jurisdiction with respect to Options' claims. The Court likewise declines

² On November 26, 2008, Options' counsel filed a declaration refuting Ms. Royal's assertion of abandonment.

to reconsider its denial of Ms. Royal's request for referral to the Federal Pro Bono Project.

ORDER

- (1) The Clerk of the Court shall file Ms. Royal's submission dated December 1, 2008;
- (2) The Court will not accept or act upon any future communications from Ms. Royal; Options must contact the Court, file documents, or otherwise litigate this action through counsel;
- (3) The request for reconsideration of the Court's conclusion that it lacks subject matter jurisdiction over Options' claims is DENIED; and
- (4) The request for reconsideration of the Court's denial of the request for referral to the Federal Pro Bono Project is DENIED.

DATED: 12/3/08



JEREMY FOGEL
United States District Judge

1 This Order has been served upon the following persons:

2 Catherine Mi Lee c.lee@mpglaw.com

3 Stanley G. Hilton FROG727@AOL.COM, froggg333@comcast.net,
4 mscarver@aol.com, STAVROS3589@AOL.COM

5 Teri Royal @ fax number 714-799-1314³

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27 ³ Although Ms. Royal is not a party to the action, the Court agreed to provide her with a
28 courtesy copy of the instant order in light of her representations regarding Mr. Hilton's failure to
communicate with her.